IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10565 of 2005

Between:

Meda Vijaya Kumar Reddy S/o. Rami Reddy,
Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore/ The Election Authority, Under A.P.

Farmers Management of Irrigation Systems (Delineation And

Formation of Water Users Association Rules, 2003

2. The Election Officer, (Jr. Engineer, R & B, Nellore)
Allur Tank, Singapeta No.1, Water Users Association, Allur,

3 Meda Ashok Kumar Reddy R/o. Allur, Allur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the action of the respondents 1 and 2 in refusing to give requisite nomination papers and other connected documents to the petitioner for contesting in the elections to the Managing Committee of Alluru Tank Singapeta No.1, Water Users Association, Alluru, Nellore district on 25-4-2005, and in allowing the 3rd Respondent to contest in the said elections even though he incurred disqualification as illegal, arbitrary and contrary to rules and consequently to pass appropriate orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.RAMESWARA PRASAD POCHIRAJU

Counsel for the Respondents 1 and 2: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following:

O R D E R:

In the affidavit filed in support of the writ petition it is stated that the petitioner and the 3rd respondent are having wet lands in Survey Nos.2990/2 and 2993/1 respectively under the ayacut Allur Tank, Singapet No.1 Water Users Association, Allur, Nellore District (for short 'the tank') and their names were entered as voters at Sl.Nos.64 and 62 of T.C.No.12 of the said village respectively. The elections were conducted to the Water Users Association of the village on 25-04-2005. It is also stated that when the respondents 1 and 2 were issuing nomination papers for the said election scheduled to be held on 25-4-2005, the petitioner requested to supply nomination papers and other required documents so as to enable him to contest in the said elections along with others. In this connection, the respondents 1 and 2 informed to the petitioner that his request was rejected on the ground that since he got due payable to the Singapet PACS as per Section 14 of A.P. Farmers' Management of Irrigation Systems Act, 1997 (for short 'the Act'), he is not eligible to contest in the said elections. As the matter stood thus, it is also stated that though the 3rd respondent who was also one of the contester, obtained a loan from NDCC Bank, Nellore, and did not pay the same on the date of nomination, he was allowed to contest in the elections at the instance of the local politicians. The grievance of the petitioner is that the respondents as per Section 14 of the Act, 1997 disqualified him to contest in the elections but whereas the 3rd respondent was allowed to contest in the said elections though he contravened the above section of law. Therefore, with the above prayer, the petitioner filed the instant writ petition.

Heard both sides.

I have perused the material available on record.

On a perusal of the material on record and in view of the submission made by the learned counsel for the writ petitioner that the respondents 1 and 2 refused to provide the requisite election papers on the ground that the writ petitioner got a due payable to the Singapet PACS. The provisions of Section 14 of the Act clearly indicate that a person who owns a debt to the societies or financial institutions is incurred disqualification to contest in the said election.

Therefore, at this point of time, the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked and as such I do not see any reason to entertain the writ petition and it is accordingly dismissed. No order as to costs. This order however, does not preclude the petitioner to file an application before the

appropriate forum.

_____

E.DHARMA RAO, J

28-04-2005

Mjl/*

To,

1 The District Collector, Nellore/ The Election Authority, Under A.P.

Farmers Management of Irrigation Systems (Delination and Formation of

Water Users Association) Rules , 2003.

2 The Election Officer, (Jr. Engineer, R & B, Nellore) Allur Tank, Singapeta

No.1, Water Users Association, Allur, Nellore District.

3. 2 CCs to G.P. for Irrigation & Comm Area Dev., High Court buildings,

Hyderabad.

4. 2 CD copies.